

Message Text

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PAGE 01 WARSAW 02336 210958Z
ACTION CA-01

INFO OCT-01 EUR-12 ISO-00 MMO-01 SCS-06 VO-05 PPT-01
FSI-04 A-01 PER-01 INSE-00 /033 W
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R 210727Z MAR 78
FM AMEMBASSY WARSAW
TO SECSTATE WASHDC 3980
INFO AMEMBASSY BELGRADE
AMEMBASSY BERLIN
AMEMBASSY BUCHAREST
AMEMBASSY BUDAPEST
AMEMBASSY MOSCOW
AMEMBASSY PRAGUE
AMEMBASSY SOFIA
AMCONSUL KRAKOW POUCH
AMCONSUL LENINGRAD
AMCONSUL POZNAN POUCH

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MOSCOW POUCH LIEV

EO 11652: NA
TAGS: CGEN PL XH
SUBJ: REGIONAL CONSULAR CONFERENCE: PROPOSED AGENDA ITEMS

REF: (A) STATE 068017, (B) WARSAW 2276 (NOTAL)

1. WE BELIEVE THAT THE FOLLOWING SUBJECTS COULD BE
USEFULLY DISCUSSED AT THE EUR/EE SEGMENT OF THE CONSULAR
CONFERENCE.

2. WE HAVE BEEN STRUCK BY THE RECENT COMMUNICATIONS DEAL-
ING WITH HOW CONSULAR OFFICERS IN THE FIELD ARE TO INTERPRET
SECTION 212 (A)(28). SOME MESSAGES INDICATE A LIBERALIZING
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TREND IN HOW SECTION 212 (D)(3)(A) WAIVERS ARE TO BE USED.
OTHERS, HOWEVER, ESTABLISH COMPLICATED CRITERIA TO APPLY WHEN
DETERMINING WHEN SECTION 212 (A)(28)(I)(I) IS APPLICABLE IN
CASES OF IMMIGRANT VISA APPLICATIONS. ALTHOUGH THESE TWO TRENDS
ARE NOT NECESSARILY CONTRADICTORY, WE WOULD FIND VALUABLE A
DISCUSSION OF HOW THE THE DEPARTMENT AND OTHER WASHINGTON AGENCIES
BELIEVE SECTION 212 (A)(28) SHOULD BE INTERPRETED BY THE

FIELD, PARTICULARLY POSTS IN EASTERN EUROPEAN COUNTRIES.

3.FROM TIME TO TIME, THE EMBASSY HAS DIVIDED FAMILY VASES WHERE THE POLISH PRINCIPAL MAY BE INELIGIBLE UNDER SECTION 212 (A)(9) OR OTHER SECTIONS OF THE INA WHERE RELIEF IS OR IS NOT AVAILABLE. WE BELIEVE CLARIFICATION OR, AT LEAST, AN EXCHANGE OF VIEWS, WOULD BE HELPFUL ON HOW IMPORTANT ARE OUR COMMITMENTS

UNDER THE PRESIDENT'S HUMAN RIGHTS POLICY AND THE HELSINKI FINAL ACT WHEN THEY APPEAR TO CONFLICT WITH U.S. LEGISLATION.

4. FINALLY, AS WE GRAPPLE WITH THE DIVIDED FAMILY PROBLEM IN POLAND, WE WOULD APPRECIATE SOME INDICATION CONCERNING THE RELATIVE IMPORTANCE THE DEPARTMENT ASSIGNS TO NUCLEAR AND NON-NUCLEAR FAMILY CASES. WE KNOW THAT THE PRINCIPALS IN EASTERN EUOPE IN BOTH NUCLEAR AND NON-NUCLEAR CASES CAN OBTAIN PREFERENCE STATUS UNDER U.S. IMMIGRATION LAW. DOES THE DEPARTMENT NEVERTHELESS BELIEVE THAT A SPOUSE AND MINOR CHILD OF AN AMERICAN CITIZEN AND AN ADULT BROTHER WITH SPOUSE, FOR EXAMPLE, SHOULD BE REPRESENTED WITH EQUAL VIGOR TO THE HOST GOVERNMENT?
SCHAUFLE

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